



The Planning Inspectorate
The Square Temple Quay
Bristol
Avon
BS1 6PN

Our ref: AE/2018/123132/01-L01
Your ref: *
Date: 16 August 2018

Dear Sir/Madam

APPLICATION BY PORT OF TILBURY LONDON LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR A PROPOSED PORT TERMINAL AT THE FORMER TILBURY POWER STATION (TILBURY 2) - DEADLINE 7. FORT ROAD, TILBURY, ESSEX, RM18 7NR

Thank you for the opportunity to comment further on the application for a Development Consent Order for the proposed Tilbury 2 development. Our letter relates to the request for further information required by the Examining Authority and set out in their letter dated 7 August 2018.

Protective Provisions

As we detailed in our previous responses at deadline 5 and 6, the applicant is seeking to disapply certain legislation within the Environment Agency's remit. We indicated that we were content with this in principle subject to the agreement of satisfactory Protective Provisions.

Since our last submission we have had a number of telephone conversations and correspondence with the applicant to further discuss the proposed Protective Provisions and the concerns we raised in our letter dated 3 August 2018 related to the disapplication of s24 Water Resources Act 1991.

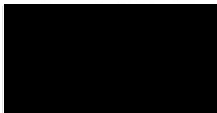
Following the recent discussions we have had with the applicants we have agreed a form of Protective Provisions which enables us to give consent under s150 Planning Act 2008 (conditional on these agreed provisions being included in the DCO) in relation to the following legislation referred to in Article 3 of the draft DCO.

- Thames Barrier and Flood Prevention Act 1972
- The provisions of any byelaws made under, or having effect as if made under, paragraphs 5,6 and 6a of schedule 25 of the Water Resources Act 1991;

- The provisions of any byelaws made under section 66 (powers to make byelaws) Of the Land Drainage Act 1991.
- Regulation 12 (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016 in respect of a flood risk activity only.

However the Environment Agency is still not in a position to agree to disapply s24 Water Resources Act 1991 (abstraction licensing) but we are urgently trying to resolve the issues on this matter with the applicant and will update the Examining Authority before the close of the examination on Monday . We would ask the Examining Authority to note that disapplication of s24 Water Resources Act 1991 cannot be lawfully be included in a DCO without the Environment Agency's consent under s150 Planning Act 2008

Yours faithfully



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